

**BOARD OF REAL ESTATE APPRAISERS
BOARD MEETING MINUTES – July 6, 2004**

MEMBERS PRESENT

James Murphy
David Adams
Bruce Bell
Walter Bowditch
Joseph Herlihy
Theodore Webersinn

MEMBERS ABSENT

Kenneth Charest

OTHERS PRESENT

Carol Leighton, Administrator
Dennis Smith, A.A.G.
Kim Baker-Stetson, Licensing Clerk
Susan Greenlaw, Board Clerk

Location: Central Conference Room

Start: 9:00 a.m. **Adjourn:** 2:30 p.m.

CALL TO ORDER

The meeting was called to order at 9:00 a.m.

AGENDA MODIFICATIONS

OLD BUSINESS

Action on Minutes of June 1, 2004 Meeting

A motion was made by Walter Bowditch to approve the minutes of the June 1, 2004 meeting as written; second by Theodore Webersinn. Unanimous.

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Action on Tabled Applications/Items

NAME	APPLYING TO	ACTION
WILLIAM NELESKI	UPGRADE FROM CERT RESIDENTIAL TO SIT FOR CERTIFIED GENERAL EXAM MIN 180 QE BAL MET? = 183 QE HOURS ON FILE MIN 30 MONTHS EXP MET? = FIRST LICENSED ON 12/08/1992 MIN 3000 HOURS WK EXP W/AT LEAST 1500 HRS CMML	<u>JULY 6, 2004</u> – WORK FILES NOT RECEIVED AS OF 6/29/04 JUNE 1, 2004 – MOTION TO REQUEST WORK FILES FOR FURTHER REVIEW BY KEN AND TED MAY 26, 2004 – RECEIVED LETTER FROM APPLICANT MAY 25, 2004 – NOT RECEIVED TO DATE MAY 4, 2004 – TABBED TO JUNE MEETING; REQUESTED 6 NARRATIVES APRIL 6, 2004 - BOARD TO REVIEW SUBMITTED APPRAISALS
THOMAS PELLERIN	TRAINEE UPGRADE TO SIT FOR CERTIFIED RESIDENTIAL EXAM MIN 120 QE BAL MET? = 130 QE HOURS ON FILE MIN 24 MONTHS EXP MET? = FIRST LICENSED 05/16/2000 MET ADEQUATE # OF MAJOR/COMPLEX APPR? = ?? SEE BOARD RULES CHAPT 200 SECTION A (B) AND 32 MRSA 14002	<u>JULY 6, 2004</u> – APPRAISALS NOT RECEIVED TO DATE JUNE 18, 2004 – REC'D EMAIL FROM TOM REQUESTING EXTENSION; DAUGHTER GETTING MARRIED END OF JUNE JUNE 11, 2004 – REC'D EMAIL FROM TOM. HE DID NOT RECEIVE LETTER UNTIL LATE DUE TO RE-ROUTING THRU FLORIDA. HE WILL TRY TO GET ITEMS TOGETHER JUNE 1, 2004 – NOT RECEIVED TO DATE MAY 4, 2004 – REQUESTED 6 ADDITIONAL COMPLEX PROPERTY APPRAISALS APRIL 6, 2004 – BOARD TO REVIEW SUBMITTED APPRAISALS MARCH 11, 2004 – RECEIVED LIST OF MAJOR/COMPLEX APPRAISALS MARCH 2, 2004 – PENDING RESPONSE TO REQUEST FEB 3, 2004 – MOTION TO TABLE AND REQUEST LIST OF MAJOR/COMPLES APPRAISALS AND PENDING VERIFICATION OF "FIRST FIFTY" APPRAISALS.
NANCY LANE	UPGRADE FROM LIC APPR TO SIT FOR CERTIFIED RESIDENTIAL EXAM MIN 120 QE BAL MET? = 150 QE HOURS ON FILE MIN 24 MONTHS EXP MET? = FIRST LICENSED 05/31/2001 MIN 2500 EXP HRS MET? = 2500+ MET ADEQUATE # OF MAJOR/COMPLEX APPR? = ?? SEE BOARD RULES CHAPTER 200 SECTION A (B) AND 32 MRSA	<u>JULY 6, 2004</u> – TABBED JUNE 1, 2004 – APPL TABBED; APPRAISALS TO BE REVIEWED BY KEN MAY 25, 2004 – APPRAISALS RECEIVED MAY 17, 2004 – REQUESTED COPIES OF 6 MAJOR/COMPLEX APPRAISALS FROM COMPLEX LIST SUBMITTED WITH APPLICATION
ROLANDO GUAJARDO	UPGRADE FROM LIC APPR TO SIT FOR CERTIFIED RESIDENTIAL EXAM MIN 120 QE BAL MET? = 142 QE HOURS ON FILE MIN 24 MONTHS EXP MET? = FIRST LICENSED 12/10/2001 MIN 2500 EXP HRS MET? = 2500+ MET ADEQUATE # OF MAJOR/COMPLEX APPR? = ?? SEE BOARD RULES CHAPTER 200 SECTION A (B) AND 32 MRSA	<u>JULY 6, 2004</u> – MOTION BY HERLIY AND SECOND BY ADAMS TO REMOVE FROM TABLE. UNANIMOUS. MOTION BY ADAMS AND SECOND BY WEBERSINN TO ACCEPT WITHDRAWAL OF APPLICATION. UNANIMOUS. JUNE 9, 2004 – APPLICATION WITHDRAWN; MOVING TO COLORADO JUNE 1, 2004 – TABBED; APPRAISALS TO BE REVIEWED BY TED MAY 21, 2004 – RECEIVED LIST OF MAJOR/COMPLEX APPRAISALS AND REQUESTED COPIES OF SIX APPRAISALS MAY 17, 2004 – REQUESTED LIST OF MAJOR/COMPLEX APPRAISALS

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STEPHAN (BILL) LOEFFLER	UPGRADE FROM LIC APPR TO SIT FOR CERTIFIED RESIDENTIAL EXAM MIN 120 QE BAL MET? = 130 QE HOURS ON FILE MIN 24 MONTHS EXP MET? = FIRST LICENSED 07/28/2000 MIN 2500 EXP HRS MET? = 3000+ MET ADEQUATE # OF MAJOR/COMPLEX APPR? = ?? SEE BOARD RULES CHAPTER 200 SECTION A (B) AND 32 MRSA	<u>JULY 6, 2004</u> – MOTION BY BOWDITCH AND SECOND BY HERLIHY TO REMOVE FROM TABLE. UNANIMOUS. MOTION BY BOWDITCH AND SECOND BY BELL TO DENY PURSUANT TO 32 MRSA § 14023(2) & (5) AND 14028, 14031(2)(A), BOARD RULES CHAPTER 200 SECTION 4(B)(2)(C), AND REFER TO COMPLAINT OFFICER FOR INVESTIGATION. UNANIMOUS. JUNE 1, 2004 – TABLED; APPRAISALS TO BE REVIEWED BY TERRY MAY 26, 2004 – RECEIVED COPIES OF REQUESTED APPRAISALS MAY 11, 2004 – RECEIVED LIST OF MAJOR/COMPLEX APPRAISALS AND REQUESTED COPIES OF SIX APRIL 7, 2004 – REQUESTED LIST OF MAJOR/COMPEX APPRAISALS
DENIED APPLICATIONS – PENDING APPEAL RIGHTS		
JULIE GALVIN	TRAINEE UPGRADE TO SIT FOR CERTIFIED RESIDENTIAL EXAM MIN 120 QE BAL MET? = 120 QE HOURS ON FILE MIN 24 MONTHS EXP MET? = FIRST LICENSED 03/14/2001 MIN 2500 EXP HRS MET? = 2500+ MET ADEQUATE # OF MAJOR/COMPLEX APR? = ?? SEE BOARD RULES CHAPTER 200 SECTIN A (B) AND 32 MRSA 14002	<u>JULY 6, 2004</u> – NO ACTION NECESSARY JUNE 21, 2004 – HEARING SET FOR AUGUST 3, 2004, 9:30; LETTER SENT MAY 25, 2004 – NOTHING RECEIVED TO DATE MAY 4, 2004 – DENIED; GIVEN 30 DAY APPEAL RIGHTS APRIL 6, 2004 – BOARD TO REVIEW SUBMITTED APPRAISALS MARCH 5, 2004 – RECEIVED FIRST 50 LIST AND LIST OF MAJOR/COMPLEX PROPERTIES MARCH 2, 2004 – PENDING RESPONSE TO REQUEST FEB 3, 2004 - MOTION TO TABLE AND REQUEST LIST OF MAJOR/COMPLES APPRAISALS AND PENDING VERIFICATION OF "FIRST FIFTY" APPRAISALS.
CATHERINE ARNOLD	TRAINEE UPGRADE TO SIT FOR CERTIFIED RESIDENTIAL EXAM MIN 120 QE BAL MET? = 120 QE HOURS ON FILE MIN 24 MONTHS EXP MET? = FIRST LICENSED 09/10/2001 MIN 2500 EXP HRS MET? = 4100+ MET ADEQUATE # OF MAJOR/COMPLEX APR? = ?? SEE BOARD RULES CHAPTER 200 SECTIN A (B) AND 32 MRSA 14002	<u>JULY 6, 2004</u> – NO ACTION NECESSARY JUNE 21, 2004 – HEARING SET FOR AUGUST 3, 2004, 10:30; LETTER SENT JUNE 15, 2004 – RECEIVED APPEAL MAY 25, 2004 – NOTHING RECEIVED TO DATE MAY 4, 2004 – DENIED; GIVEN 30 DAY APPEAL RIGHTS APRIL 6, 2004 – APPRAISALS TO BE REVIEWED BY BOARD MARCH 2, 2004 – LETTER SENT REQUESTING COPIES OF 6 APPRAISALS FEB 25, 2004 – REC'D LIST FEB 3, 2004 - MOTION TO TABLE AND REQUEST LIST OF MAJOR/COMPLES APPRAISALS AND PENDING VERIFICATION OF "FIRST FIFTY" APPRAISALS.

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JENNIFER MOTT	UPGRADE FROM LIC APPR TO SIT FOR CERTIFIED RESIDENTIAL EXAM MIN 120 QE BAL MET? = 120 QE HOURS ON FILE MIN 24 MONTHS EXP MET? = FIRST LICENSED 03/02/2001 MIN 2500 EXP HRS MET? = 2500+ MET ADEQUATE # OF MAJOR/COMPLEX APPR? = ?? SEE BOARD RULES CHAPTER 200 SECTION A (B) AND 32 MRSA 14002	<u>JULY 6, 2004</u> – NO ACTION NECESSARY JUNE 21, 2004 – HEARING SET FOR AUGUST 3, 2004, 11:30; NOTICE SENT JUNE 4, 2004 – APPEAL RECEIVED JUNE 1, 2004 – DENIED. MAY 4, 2004 – TABLED TO JUNE MEETING; TED TO REPORT FINDINGS APRIL 6, 2004 – BOARD TO REVIEW SUBMITTED APPRAISALS MARCH 2, 2004 – LETTER SENT REQUESTING COPIES OF 6 APPRAISALS FEBRUARY 25, 2004 – REC'D LIST FEBRUARY 3, 2004 – MOTION TO TABLE AND REQUEST LIST OF MAJOR/COMPLEX APPRAISALS.
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NEW BUSINESS

Adjudicatory Hearing – Dorothy Harris (complaint #REA-183)

The Chair opened the hearing in the matter of Dorothy Harris. Ms. Harris was present and not represented by counsel. Assistant Attorney General Dennis Smith represented the State in this matter. James Smith, Esq. was present as Hearing Officer and Counsel for the Board. Public deliberations were conducted at the close of the hearing.

A motion was made by Bruce Bell to find the licensee in violation of 32 MRSA §14014(1)(G); second by David Adams. Unanimous.

A motion was made by Theodore Webersinn to find the licensee in violation of 32 MRSA §14014(1)(I); second by Bruce Bell. Unanimous.

A motion was made by Theodore Webersinn to find the licensee in violation of 32 MRSA §13982(1)(J); second by Walter Bowditch. Unanimous.

A motion was made by Bruce Bell to find the licensee in violation of 32 MRSA §14028 and USPAP Standards Rules 1-1(b), 1-1(c), 1-5(b)(i), 2-1(a), and 2-1(b); second by David Adams. Unanimous.

A motion was made by Walter Bowditch to issue the Decision & Order as follows: (1) Licensee shall receive a letter of reprimand; (2) licensee shall pay hearing costs not to exceed \$2100 within 90 days of receipt of Decision; (3) licensee's license shall be on probation for a period of one year, during which time the licensee shall successfully complete two major qualifying education courses in residential cost and sales approach, such course to be pre-approved by the Board; (4) licensee shall pay a fine in the amount of \$1,500, to be forgiven if terms of probation are met; (5) the New Hampshire appraisal board shall be notified of the Decision; second by Bruce Bell. Unanimous.

Administrator's Report

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Nothing to report.

A motion was made by David Adams to rotate Board member seating at meetings; second by Theodore Webersinn. Adams, Murphy, and Webersinn voted in the affirmative; Bell, Bowditch, and Herlihy opposed. Motion failed.

David Adams left the meeting at 1:22 p.m.

Complaint Officer's Report

#REA-185 & 186: A motion was made by Walter Bowditch to table for further investigation; second by Bruce Bell. Unanimous.

Review and Action on Applications and Education

NEW APPLICATIONS FOR REVIEW		
ROBERT AMIDON	UPGRADE FROM LICENSED RESIDENTIAL TO SIT FOR CERTIFIED GENERAL EXAM MIN 180 QE BAL MET? = 205 QE HOURS ON FILE MIN 30 MONTHS EXP MET? = FIRST LICENSED 05/09/2001 MIN 3000 HRS WK EXP W/AT LEAST 1500 HRS COMMML = +3000	<u>JULY 6, 2004</u> – BOWDITCH TO REVIEW APPRAISALS JUNE 30, 2004 – REQUESTED COPIES OF 5 APPRAISALS AND RELATIVE WORK FILES
CANDICE SPALDING	UPGRADE FROM CERTIFIED RESIDENTIAL TO SIT FOR CERTIFIED GENERAL EXAM MIN 180 QE BAL MET? = 285 QE HOURS ON FILE MIN 30 MONTHS EXP MET? = FIRST LICENSED 09/16/1991 MIN 3000 HRS WK EXP W/AT LEAST 1500 HRS CMML? = +3000	<u>JULY 6, 2004</u> – APPRAISALS NOT RECEIVED TO DATE JUNE 30, 2004 – REQUESTED COPIES OF 5 APPRAISALS AND RELATIVE WORK FILES

Correspondence

At the June meeting AAG Dennis Smith reported that Patrick Donahue (complaint #REA-126 – hearing held 5/7/02) is not in compliance with the Board's Decision & Order in regard to completion of a basic 40-hour course. A letter was sent to Mr. Donahue who responded that no courses were available. Mr. Donahue indicated that he has taken a 30-hour course and requested that he be allowed to take a 15-hour course to fulfill his obligation. The Board denied his request. The Board has since received a letter from Mr. Donahue objecting to the Board's decision.

A motion was made by Theodore Webersinn to require the 40-hour basic course; second by Walter Bowditch. Bowditch and Webersinn voted in the affirmative; Bell and Murphy opposed. Motion failed. A motion was made by Bruce Bell to require successful completion of a minimum 15-hour qualifying education course, such course to be pre-approved by the Board's Chair; second by Theodore Webersinn. Bell, Murphy, and Webersinn voted in the affirmative; Bowditch opposed; Herlihy abstained. Motion carried.

**BOARD OF REAL ESTATE APRAISERS
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Next Meeting Scheduled for August 3, 2004

OTHER BUSINESS

ADJOURN

Being no further board business the meeting was adjourned at 2:30 p.m.

Respectfully submitted,

Susan Greenlaw
Board Clerk